## IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS FORT WORTH DIVISION

BELTEX CORPORATION d/b/a	§	
FRONTIER MEATS,	§	
	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. 4:19-cv-00133
v.	§	
	§	
ROBERT HEATH TRUCKING, INC.	§	
and ROBERT HEATH LOGISTICS,	§	
INC.,	§	
	§	
Defendants,	§	
	§	
v.	§	
	§	
LEGAL FREIGHTLINES, LLC.	§	
	§	

## ORDER GRANTING ROBERT HEATH DEFENDANTS' MOTION TO DISMISS FIRST AMENDED COMPLAINT

**Third Party Defendant** 

Before the Court is Defendants Robert Heath Trucking, Inc. and Robert Heath Logistics, Inc. (the "Robert Heath Defendants") Motion to Dismiss Plaintiff's First Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and pursuant to the Court's Order Granting Motion To Dismiss And Setting Deadline For Amended Complaint [Dkt. #22] ("Dismissal Order"). After consideration of the Motion and Response on file, the Court is of the opinion that Plaintiff's claims for breach of contract, negligence and attorneys' fees against the Robert Heath Defendants are preempted by the Carmack Amendment to the Interstate Commerce Act (the "Carmack Amendment"), 49 U.S.C. § 14706, *et seq.*, and by the Federal Aviation Administration Authorization Act. Plaintiff's claims for breach of contract, negligence and attorney's fees against the Robert Heath Defendants are hereby DISMISSED.

Dated	
	UNITED STATES DISTRICT JUDGE